IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A.No.2206 of 2003

Date of decision : 9.10.2006.

Jai Pal .....Appellant

versus

Babu Ram and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Ramesh Hooda, Advocate for the appellant.

Mr.Arvind Singh, Advocate for respondent Nos.4 & 5.

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ORDER

HEMANT GUPTA, J. (oral)

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby his suit challenging the decree dated 2.5.1994, suffered by his father Raja Ram in favour of his grand-sons including the son of the plaintiff, was dismissed.

The plaintiff has alleged that the suit land in hands of Raja Ram is ancestral property and, therefore, the consent decree could not be suffered by Raja Ram against the interest of the plaintiff.

It has been found that there is no evidence to the effect that the property in the hands of Raja Ram was ancestral property. There is no revenue record or proof that the property in the hands of Raja Ram is ancestral property. In view of the said finding, the decree suffered by Raja Ram cannot be said to be suffering from any illegality which can be successfully challenged by the plaintiff. The findings of fact have been recorded by the Courts below which are sought to be disputed by way of re-appreciation of evidence.

I do not find any illegality or irregularity in the finding recorded by the Court below which may raise any substantial question of law in the second appeal, for consideration of this Court.

Dismissed in limine.

(HEMANT GUPTA)
October 9, 2006. **JUDGE**

**mohinder*